

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL,)	
)	
Plaintiff,)	
v.)	C.A. No. 05-CV-00321 GMS
)	
LYDIA ADAIR MCFADDEN and CHRISTIANA)	JURY TRIAL DEMANDED
CARE HEALTH SERVICES, INC.,)	
)	
Defendants.)	

**DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION IN *LIMINE*
TO PRECLUDE PLAINTIFF FROM PRESENTING PHOTOGRAPHS NOT IN
EVIDENCE**

WHITE AND WILLIAMS LLP

/s/ Deborah J. Massaro
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Health Services, Inc.*

Date: March 30, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL,)	
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Plaintiff,)	
v.)	C.A. No. 05-CV-00321 GMS
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LYDIA ADAIR MCFADDEN and CHRISTIANA)	JURY TRIAL DEMANDED
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Defendants, Lydia Adair McFadden and Christiana Care Health Services, Inc., rely on, and hereby incorporate by reference the assertions in their opening brief respectfully requesting that the Court enter the attached order precluding Plaintiff from presenting photographs not previously presented in evidence. In further support of their motion, Defendants state the following:

1. Plaintiff did not produce the CD with photographs until March 29, 2007, well past the discovery deadline and despite the numerous requests by counsel cited in their opening brief.
2. To date Plaintiff has only produced Xerox copies of eight photographs, to which she testified that she had actual photographs. Photographic copies were requested in Discovery and never produced.

3. Thus, because the photographs represent unfair prejudice to the Defendants, Plaintiff should not be permitted to present any photographs at trial since they, or a reasonable copy thereof, have not been previously produced into evidence.

WHEREFORE, Defendants, Lydia Adair McFadden and Christiana Care Health Services, Inc., respectfully request that this Honorable Court enter an order precluding Plaintiff from presenting any photographs at trial as the proposed exhibits are not in evidence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Deborah J. Massaro, Esquire, do hereby certify that on this 30th day of March, 2007, two copies of **DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION IN LIMINE TO PRECLUDE PLAINTIFF FROM PRESENTING PHOTOGRAPHS NOT IN EVIDENCE** were served via electronic filing and delivered U.S. First Class Mail, postage prepaid upon the following:

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